

6. On May 20, 2011, the Court sustained the debtor's objection to GMAC's proof of claim.

7. In that the Court has already sustained the debtor's objections to GMAC's proof of claim, specifically its claims for escrow advances, bankruptcy attorney fees and costs, and property inspections fees, GMAC is barred and estopped from recovering the same expenses for escrow advances and property inspection fees listed in its amended proof of claim.

8. The debtor objects to the claim of \$1,124.89 in uncollected late charges alleged by GMAC in its amended proof of claim on the ground that it is untimely. In this regard, the debtor observes that GMAC's original proof of claim did not include any amounts for uncollected late charges, though GMAC's amended proof of claim does include \$1,124.89 in uncollected late charges for the period of April, 2009 to August, 2010. In that GMAC's amended proof of claim was filed after the claims deadline of March 22, 2011, its claim for uncollected late fess, which could and should have been filed prior to the expiration of the deadline in its original proof of claim, is therefore time-barred.

9. The debtor further objects to the escrow shortage of \$378.98 in GMAC's amended proof of claim, as GMAC fails to provide any details as to the reason for the alleged shortage and when said shortage allegedly arose.

WHEREFORE, the debtor respectfully requests that this Court sustain her Amended Objection to Proof of Claim Filed by GMAC Mortgage, LLC and allow said claim in the amount of \$364,907.74 (total mortgage debt) and \$8,826.78 (arrearage claim).

Respectfully Submitted,
Rhona Julien
By her Attorney,

/s/ Mark W. Miller
Mark W. Miller: BBO# 634317
The Law Office of Mark W. Miller
11 Beacon Street, Suite #1100
Boston, MA 02108
(617) 248-0530
mmillerlaw@verizon.net

Dated: August 11, 2011

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS

In Re:
RHONA JULIEN

Debtor

)
)
) Chapter 13
) Case No. 10-22026-WCH
)
)

CERTIFICATE OF SERVICE

I, Mark W. Miller, hereby certify that a true and genuine copy of the attached Debtor's Objection to Amended Proof of Claim Filed by GMAC Mortgage, LLC was served upon each member of the below Service List by electronic or first class mail, postage prepaid on this 11th day of August, 2011.

/s/ Mark W. Miller

Mark W. Miller

Service List

Rhona P. Julien
568 Eliot Street
Milton, MA 02186

Carolyn Bankowski, Esq.
Chapter 13 Trustee
180 Canal Street, 6th Floor
P.O. Box 8250
Boston, MA 02114-0033

Office of the U.S. Trustee
10 Causeway Street, 11th Floor
Boston, MA 02114

GMAC Mortgage, LLC
c/o Amy N. Azza, Esq.
Orlans Moran, PLLC
P.O. Box 962169
Boston, MA 02196